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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

KEITH MARKIN,	Case No. 3:16-cv-00629-MMD-VPC
	ORDER
v.	
CONNIE BISBEE, <i>et al.</i> ,	
Defendants.	

**I. DISCUSSION**

Plaintiff, a *pro se* prisoner, previously filed an application to proceed *in forma pauperis* and submitted an amended civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1, 5.) The Court screened the amended complaint and scheduled an inmate early mediation conference. (ECF No. 4, 7.) On December 7, 2017, U.S. Magistrate Judge Valerie P. Cooke held a telephonic status conference to discuss Plaintiff’s letter for clarification regarding mediation and the filing fee. (ECF No. 10, 13.)


In light of the verbal discussion at the telephonic hearing, Plaintiff now files a motion for voluntary dismissal. (ECF No. 14.) Pursuant to Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a court order by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i). The Court grants Plaintiff’s motion to voluntarily dismiss this action because no responsive pleading has been filed in this case. As such, the Court dismisses this action without prejudice.

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It is further ordered that the application to proceed *in forma pauperis* (ECF No. 1) is denied as moot.

It is further ordered that the inmate early mediation conference scheduled for January 9, 2018 (ECF No. 7), is vacated.

DATED THIS 21<sup>st</sup> day of December 2017.

  
MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE